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PATENTS
103140-0014U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:)
Andrew Sutherland et al.)
Serial No.: 10/075,710)
Filed: February 14, 2002)
For: PEER-TO-PEER ENTERPRISE)
STORAGE)
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)
)

Examiner: Eataille, P.

Art Unit: 2186

Cesari and McKenna, LLP
88 Black Falcon Avenue
Boston, MA 02210
March 23, 2005

"Express Mail" Mailing-Label Number: EV432393579US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE AFTER FINAL REJECTION

We have carefully considered the Office Action dated November 23, 2004, in which claims 1, 2 and 19-21 are rejected as anticipated by the Traversat published application and the remaining claims are deemed to contain allowable subject matter. We thank the Examiner for sending copies of certain of the provisional applications from which the cited Traversat published application claims priority in response to our request. We note that the only provisional application that predates the priority date of the current application was not sent to us because of an apparent mistake – namely, provisional application 06/253,573 was sent and not 06/263,573.

As we stated in our earlier response, we contend that the Traversat published application does not anticipate, teach or suggest the current invention as set forth in

pending independent claims 1 and 20. The Traversat published application is directed to a peer-to-peer system that includes a platform on which diverse applications may operate. The current invention is directed to a system for controlling file storage on a plurality of file storage nodes that can communicate peer-to-peer.

The Examiner cites the Traversat's peer platform layer as anticipating the storage coordinator of claims 1 and 20. The peer platform layer "provides mechanisms through which peers may discover each other, communicate with each other, and cooperate with each other to form peer groups. Peers may discover each other on the network to form transient or persistent relationships called peer groups." (paragraph 0073) As Traversat further states "the peer-to-peer platform describes how to create and discover peer groups, but **does not** dictate when, where or why to create a peer group, the type of the group, or the membership of the group. (paragraph 0123, emphasis added). Accordingly, the peer platform layer does not anticipate the storage coordinator of claims 1 and 20 because, *inter alia*, the peer platform layer does not **designate selected groups of nodes within the plurality of file storage nodes and direct the nodes in a given group to communicate peer to peer to replicate associated group files.**

As the Examiner points out in paragraph 3 of the Office Action, the core layer of the Traversat system, of which the peer platform is a part, allows the peer groups themselves to establish a set of peers and naming within the peer group using various mechanisms available through the core layer, monitor activities of peer members, and so forth. Each peer group can thus create its own policies for, for example, membership (paragraph 0078 [incorrectly cited in the Office Action as paragraph 0081], see also paragraph 0123). Accordingly, a particular peer may be required to apply to join a given group and the members of the group then determine if the peer may become a member based on the criteria set by the group (see paragraph 0124). The peer platform thus does not **designate selected groups of nodes within the plurality of file storage nodes and direct the nodes in a given group to communicate peer to peer to replicate associated group files**, as is done by the storage coordinator of the current system.

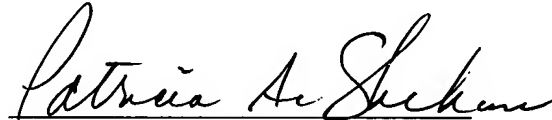
Indeed, the peer platform layer provides a "decentralized environment" (paragraph 0097) that allows the respective peer groups to form with various membership cri-

teria and perform various operations, including monitoring peer members, sharing content and so forth. This does not, however, show, teach or suggest that the peer platform layer controls system storage operations by **designating selected groups of nodes within the plurality of file storage nodes and direct the nodes in a given group to communicate peer to peer to replicate associated group files**, as is done by the storage coordinator of independent claims 1 and 20.

Accordingly, the Traversat reference does not show, teach or suggest the invention set forth in independent claims 1 and 20 and claims 19 and 21 that depend therefrom. We respectfully request that the Examiner reconsider the rejection of claims 1, 2 and 19-21, and issue a Notice of Allowance for all pending claims.

Please charge any fee occasioned by this paper to our Deposit Account
No. 03-1237.

Respectfully submitted,



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